Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No._____

In The

Supreme Court of the United States

October Term, 1997

Leo Maestas,

Petitioner,

V.

The Board of Supervisors of Navajo County; Director of Navajo County Elections Department; Terry Nagle; M.E. "Tommy Tee" Thompson; and Bill Wilbanks,

Respondents,

On Petition For Writ Of Certiorari
to the Arizona Supreme Court No. CV97-0252-PR
Court of Appeals No. ICA-CV 96-0565
Navajo County Superior Court No. CV 96-000262

PETITION FOR WRIT OF CERTIORARI

Leo Maestas
(Propria Persona)
P.O. Box 21
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51 pp

Questions Presented:

1. What is a court's duty for ensuring complete judicial resolution on the merits of an election contest application when the applicant is a non-attorney appearing pro per and the application or contest statement is alleging either constitutional rights violations or what a reasonable legally-trained person would glean as constitutional right violations?

2. Does due process of law require that American courts have rules of procedure in language which the average adult American can understand and follow when appearing in propria persona?

3. Whether an American democracy provides "political equality" and "fairness of courts?"

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Opinions Below

The opinion of the Arizona Supreme Court is found in this petitions appendix at page A1, the Arizona Court of Appeals Minute Entry Order Appendix at A2. The minute entry order of the Arizona Superior Court is found in this petition's appendix at page A3.

Jurisdiction

The Judgment Order of the Arizona Supreme Court was entered on October 21, 1997[1]. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sec. 1254(1).

Constitutional And Statutory Provisions Involved

United States Constitution, Article III Section I
United States Constitution, Article VI
United States Constitution, I Amendment
United States Constitution, V Amendment
United States Constitution, VII Amendment
United States Constitution, XIV Amendment
United States Constitution, XV Amendment
Title 28 U.S.C. Sec. 1252

Statement Of Case

Statement of Facts

Leo Maestas, hereafter referred to as Petitioner, is a non-attorney, 8th grade educated, Indian trader, without legal training, common person of average intelligence from a small town.

In the early morning hours on September 10, 1996, the day of the primary election in District III, Navajo County,

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[1] Petitioner was, gratefully, afforded an extension of time on 3/26/98 in order to have this writ's format come into compliance with Rule 33 1 (b).
See this petition's appendix page A4.

Holbrook, Arizona, the petitioner got into his vehicle and began to drive to his polling place. This day was especially important to the petitioner because his wife was a candidate for the Democratic Nomination for the Office of Navajo County Supervisor, District Three. The petitioner was determined to be one of the first at the polls and cast his ballot.

On the way to his polling place, petitioner observed numerous newly placed political signs which had not been in his neighborhood the previous evening. The petitioner further observed that one particular political poster had been placed on each and every telephone pole between his residence and at his polling place. Placing any kind of advertisement, political poster or non-authorized sign on utility poles and public property is not permitted and violates U.S.C.A. Const. Amend. 1 by trespass upon said amendment.

> [... Property covered by ordinance which prohibited posting of signs ... was not a "public forum" subject to special First Amendment protection ...]
> Members. of City Council of the City of Los Angeles v. Taxpayers for Vincent, 104 S.Ct. 2118 (*1984*), *U. S. Court of Appeals Ninth Circuit*)

> [... Vincent's signs where posted were not considered part of the traditional public form ...]
> Collier v. City of Tacoma, 854 P.2d 1046 (*1993*), *Supreme Court of Washington)*

Upset and concerned about his observations and after casting his ballot, the petitioner began to photograph the signs not only in his neighborhood, but discovered this same activity throughout the City of Holbrook and District 3. The petitioner went to the utility company (Arizona Public Service) to inform

their staff and then went straight to the county attorney's office and reported what he considered to be election violations.

The following, day and when no response was forthcoming from the Navajo County Attorney, the Petitioner then followed his previous oral complaints with a letter[2] to the county attorney. Again, after no response, petitioner motioned to address the Navajo County Board of Supervisors at the very first possible time. After addressing the Navajo County Board of Supervisors and county attorney at the regular public meeting, and when they had absolutely no regard for any civil right violations, the petitioner experienced what he felt amounted to ridicule and accusations of only complaining because his wife had lost. The petitioner caused to be filed in the Arizona Superior Court a statement contesting the election within the five-day filing time for offenses committed against the "elective franchise" per A.R.S. 16-673,A.,3.

At the hearing, a deputy county attorney appeared minutes prior to the hearing, and to petitioner's complete surprise handed the petitioner an answer to his contest statement requesting a dismissal on the pleadings pursuant to A.R.S.[3] 16, Rules Civ. Proc. 12(c) in which the court granted without giving petitioner adequate time to prepare any reply or hearing the merits of the case and without stating which one of the defenses the court relied upon.

An analogy to this type of dismissal would be default judgment. In considering whether default judgments to be set aside, courts often look to see whether the defense was at all meritorious. One issue raised in the county's response to the contest statement was laches, which is an equitable defense and election contests are strictly statutory. Clearly the petitioner had

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[2] See Petition's Appendix Page A.5

[3] Arizona Revised Statutes

a reply to that allegation that was meritorious had he not been denied proper notice by the court[4].

251 Constitutional Law 7-8th 1104

"Rights to notice in any proceeding which is to be accorded finality may not be taken away, there can be no due process without it U.S.C.A. Const. 14-Id."

One defense the county asserted was the doctrine of laches and a defense that cannot apply in election contests.

[... the doctrine of laches is purely equitable defense ... defense of election contests are not equitable in nature ...]
Stuckey v. Storms, 458 S.E.2d 344

[... Though plaintiffs could have acted earlier in filing suit attacking state statute which precluded registration of voters during the month of September preceeding general election and though delay imposed heavy burden on registration officials, doctrine of laches would not be applied to dismiss the suit in light of rights of thousands of qualified voters which would be affected and the public interest in enforcement of federal voting law alleged to be violated by the state statute...] *Bishop v. Lomenzo, D.C.N.Y. 1972, 350 F. Supp. 576.*

If given at least a chance to reply properly perhaps petitioner would not be writing this writ today.

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[4] Procedural due process requires proper notice. U.S.C.A. Const. Amend. 14

A court's duty is not unilateral to either side. Just as a court needs to be careful in helping a pro per litigant to access the court's abilities, the same discretion has to be given when the painstaking news reaches a jurist's chambers that one party is representing themselves not to prejudge their action or ability to present their case. Also, this action was in rem in nature. The petitioner did not have anything to gain with the exception of having his voice heard. Access to the courts is a fundamental civil right. U.S.C.A. Const. Amend. 7.

Certiorari Should be Granted for the Reason that this Matter Holds Special Importance Concerning Fundamental Constitutional Rights

Sitting here, now, writing this writ to the highest court in this great country of ours, I am honored. The Seventh Amendment of our Constitution has given me that gift. This common person does not take such a gift for granted.

Are we truly developing our Constitution, permitting the same to grow and flourish or are we diluting the same due to the amount of litigation, subject matter, technique, so as to deprive the common person access to the courts? This petitioner's life, liberty nor property was at harm's way at no time; however does that mean he cannot enjoy his courts? Must those important elements in his life become in harm's way before meaningful access is assured? Is the court's patience reserved only for those who commit capital crimes against others?

The attitude that if tolerance is given in matters such as this the flood gates would open to more actions of the same is without foundation. Isn't that speculation? If those gates did open, perhaps the courts would welcome the freshness of a common person stating their claim rather than a hyper-

technical, designed-for-complication litigation be dropped in their lap with a "made-to-like-it" attitude.

Our Founding Fathers wanted their courts to be available to common people. The coined phrase ... "We the People ..." is after all more than a catchy phrase.

I have read this Court's Rules and know the reluctance to consider basic constitutional issues or questions which come before this honorable court in the form of a writ from a layman. For this, the petitioner apologizes. He knows no other form and has not been involved with the courts before appearing the first time as a party to an action in the instant case.

Petitioner submits this is an issue of special importance and the below cases have in the past given this court the opportunity to visit the same.

> [... "Special and important reasons ... relate to problems beyond the academic or episodic; especially where issues involved reach constitutional dimensions ...]
> Rice v. Sioux City Memorial Park Cemetery, 1955, 75 S.Ct. 614; 349 U.S. 70; 99 L.Ed. 897.

> [... Because of the importance of the issue, we granted certiorari ...]
> Burson v. Freeman, 1992, 112 S.Ct. 1846, 1849; 504 U.S. 191, 194; 119 L.Ed.2d 5.

Conclusion:

A common man has been discriminated against and continuously denied "due process" and "equal protection of the law" based on discrimination by complication of rules in the presentation of his case to Arizona courts pertinent to the tainting of the "free elective franchise."

1. Can Arizona courts use rules that are discrimination by complication to the common man seeking justice in a matter of

public importance (elections) and trying to comply with rules that confer particular privileges to select groups of lawyers that specialize in appeals? I was born in 1943, my research shows the court appeal process in Arizona has gotten 5 to 6 times more complicated. It appears to appellant that judges in Arizona also have to guess as to meanings of appellate rules and their application in this important people matter. Have the rules been complicated and drafted to discriminate against common people of average intelligence so the Arizona courts can kick them out on minor mathematical draftsmanship technicality violation? If so, why not completely eliminate the common man (propria persona) from the appeal process in civil court matters in contrary to the United States Constitution. The rules have been complicated but the 14th Amendment in our Constitution remains the same. Has "due process of law" changed that much since I was born? Have the courts' process become just for select groups of lawyers? The 10 commandments have been with mankind for thousands of years and remain a simple unchanged understandable doctrine to common people that has not discriminated by revised complicated draftsmanship over this long period of time. Can and should Arizona courts deny appellant making a good faith and honest effort to comply with rules that have denied appellant just due relief of equitable justice U.S.C.A. Amends. 1, 14, 15.

2. In a democracy are election and court matters issues of serious substantial public importance to people and the courts?

3. Can the Arizona court's jurist abuse their discretion and violate Ariz. Rules Civ. Proc. Rules 3, 25, 15(a)(c) that denied equitable just due relief to appellant who has made every "good faith" honest effort to comply with ambiguous Arizona Court rules and rulings used in double standards, violating their own precedents as in (Miller v. Pacacho Elementary School Dist. 175 Ariz. 454 (1993) (877 Pacific Reporter, 2d Series, page 278) states in part:

"We granted review because the integrity of the electoral process is an issue of statewide importance." Rule 23(c)(4). Ariz. R. Civ.App. P.

4. In civil court matters and in the "true spirit" of the law does "due process of law" require complete literacy of mathematical exactitudes draftsmanship applications of the common people seeking justice from courts?

Per Rules of this Court Rule 14.

Rule 14., 1.1 (e)., this court can accept jurisdiction of an action arbitrarily and incorrectly decided by Arizona courts. The offenses were against the "elective franchise," civil rights and constitute violations in which this court has certiorari review jurisdiction for its safeguards pursuant to Article 3 Section I of the United States Constitution, Supreme Court Rule 10, (b) Federal Rules (28 U.S.C.A. Sections 1254, (1), 1331, 1257), (42 U.S.C.A. Sec. 1971 et. seq.), (U.S.C.A. Sec. Const. Amend. I., 14., 15.), (42 U.S.C.A. 1983, 1988), (Voting Right Act 1965 2 et. seq., 42 U.S.C.A. Sec. 1973 et. seq.; Civil Rights Act of 1964 Sec. 201 et. seq. 42 U.S.C.S. Sec. 2000a et. seq.

Rule 14., 1., (I)., on 10/2/96 in the Navajo County Superior Court Case CV96000262 was dismissed arbitrarily.

On October 21, 1997, action was taken by the Supreme Court of the State of Arizona on Case No. CV-97-0252-PR. The order denied appellant's petition for review and motion to reconsider and to permit filing of supplement and continued appendix was also denied arbitrarily.

Rule 14., 1, (iv) 28 U.C.S.A. Sections 1254, (1), 1257, 1331 and Supreme Court Rule 10., (b).

Rule 14., 1., (f), pertinent constitutional provisions U.S.C.A. Amend. 1., 14., 15.; Voting Rights Act 1965; Civil Rights Act 1964; 42 U.S.C.A. 2000a et. seq.

Rule 14., 1., (g), (I), appellants, plaintiffs amended contest of election complaint filed on 9/30/96 in Superior Court for violations of Federal beautification sign laws pursuant to A.R.S. 28-2101 et. seq. constitutes violations of the "freedom of speech" clause per U.S.C.A. Const. Amend. I. per, (*Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent 104 S.ct. 2118 (1984*). This matter was set for 10/2/96, 1:30 p.m. and heard by Judge Michael C. Nelson in which he egregiously abused his discretion after being informed by plaintiff that the answer had not been provided to plaintiff until minutes before the scheduled hearing Bradley Carlyon also handed other frivolous motions to plaintiff at this same time and also inappropriately acted as council for County Attorney Melvin R. Bowers Jr., who was subpoenaed by appellant plaintiff for perjury to the local newspaper[5] in reference to this important people matter. The filed record of prima facie evidence is proof that the Arizona courts permitted the Navajo County Attorney to lie to the court, use his subordinate's credentials, staff, materials and abuse elected powers of office at the public work place. The filed motion to quash his subpoena given to plaintiff minutes before the hearing needs no defense by filed record. The Superior Court granted the motion for *judgment on the pleading* without looking at the presented evidence placed in front of the judge, ignoring the case merits, important to people. The judge's failure to hear all subpoenaed witness was an abuse of discretion and a violation of plaintiff's rights by this court continuing per Constitutional Law U.S.C.A. Const. Amend. 14 as said by Federal courts "due process of law requires proper notice" and "the central meaning

[5] Appendix A7

of procedural due process rights is the right to be heard in a meaningful manner in a meaningful way at a meaningful time, a right arbitrarily denied to appellant giving appellant only minutes to prepare rebuttal per:

> *251 Constitutional Law 7-8th 1104*
> "Elementary and fundamental requirement of due process in any proceeding to be accorded finality is notice reasonably calculated under all circumstances to apprise interested parties of pendency of action and afford them opportunity to present their objections U.S.C.A. Const. Amend. 14--1e."

The judge's granting of said motion constitutes discretion abuse of permitting thousands of illegal placed campaign signs to remain on public property during Navajo County election. The duty of the judge in this specific matter was to order the removal of all illegal campaign signs on public property that presented an evil visual assault to area people per USCA Const. Amend. I "freedom of speech" clause (L.A. v. Vincent 104 S.Ct. 2118). The County Attorney Melvin R. Bowers Jr. was subpoenaed to court by plaintiff to prove him a liar and to prove he and his office failed and denied Leo Maestas, "equal protection of law" per United States Constitution USCA Const. Amend. 1, 14, 15.

At the election 9/10/96, appellant reported the violations to Elections Dept., Board of Supervisors and Deputy County Attorney Bradley Carlyon assigned to oversee the election on behalf of the people. The following day appellant followed up his complaint by letters (validated 9/11/96)[6] to Melvin R. Bowers Jr., County Attorney, the contents in the letter is very specific as to election violation by candidates making a mockery

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[6] Appendix A5

of the electorate. At a later time he is quoted in the newspaper making false statements about my letter of complaint (*Tribune-News, Holbrook, Arizona, Wednesday, September 18, 1996, article*)[7].

> "Bowers said that his office had not received any complaints from citizens about signs on private property."[8]

The other complaints to this man (County Attorney) and the chief election overseers, Navajo County Board of Supervisors is also supported by my vociferous complaints lodged during the supervisor board meetings (public meeting minutes and tapes). The prima facie evidence is proof that the court, by not hearing subpoenaed witnesses, denied appellant to prove that the County Attorney does not tell the truth. Appellant who petitioned government offices and officials[9] for a "redress of grievance" per 1st, 14th Amendment has been denied "equal protection of law." The motion filed with the court to quash his subpoena (County Attorney) is riddled with more lies stating he does not know or have any knowledge that election violations took place but the prima facie evidence is proof this man also lies to the courts.

All documented filed prima facie evidence, letters[6], newspaper articles, tapes, meeting minutes and filed motion to quash his subpoena points to this fact.

The Superior Court judge permitted his court to proceed without 3 separate party people not appearing at the court mentioned in appellant's complaint. These violators were also permitted by the court to ignore their subpoenas and when asked by the court.

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[7] Appendix A7
[8] Appendix A7
[9] Appendix A6 (Letters)

M.E. "Tommy Tee" Thompson clearly states to the court that he did not want to have anything to do with the proceedings. (Court transcript P. 4 Line 4-15)

4 THE COURT: Okay. Fine.
5 Are there any other parties that are
6 present in the courtroom?
7 MR. CARLYON: Your Honor, I understand a
8 Mr. Tommy T. Thompson is present. I'm not sure
9 about Mr. Nagle or Mr. Willbank. I don't see either
10 of them present. But Mr. Thompson is.
11 THE COURT: All right. Mr. Thompson.
12 MR. THOMPSON: Yes, sir.
13 THE COURT: Do you wish to have a role in
14 these proceedings?
15 MR. THOMPSON: No, sir.

The judge failed to ask the most important question during the proceedings.

Who is here standing on behalf of M.E. "Tommy Tee" Thompson, Bill Wilbanks or Terry Nagle?

Could it be the office of the Navajo County Attorney? The prima facie evidence is proof that it was the county attorney inappropriately standing on behalf of election violators. The filed court document, CV96000262 filed by Navajo County Attorney Sept. 24, 1996, page 5, line 23 states in part::

> ***"Answer of Navajo County Board of Supervisors and Michele Baker"***, "That M.E. "Tommy Tee" Thompson be confirmed as the democratic nominee for the general election for the office of Navajo County Board of Supervisors for District III."

Petitioner needs not say more pertinent to this subject.

If further review is sought or granted appellant has a larger volume of prima facie evidence of proof that will also prove a conspiracy has transpired here in the political corrupt State of Arizona and Navajo County. Public officials in Navajo County willfully and wantonly omitted to perform their duties and engaged in a conspiracy of and discriminating against appellant using the public work place, resources, materials, and abusing elected powers of office and police powers. The September 2, 1996, court order dismissing this matter states in part:

> "Regarding the County Attorney's rule 12(c) Motion for Judgment on Pleadings that is asked for in their answer, both sides indicated they are ready to proceed. The motion was argued by both sides and the motion is granted. The Amended Petition is hereby dismissed without prejudice."[10]

The court transcript is crystal clear that the court was made aware by plaintiff that the answer to complaint along with other filed documents had not been provided until minutes before the scheduled hearing, not giving appellant adequate time to prepare rebuttal, constituting violation of procedural due process proper notice. Court transcript CV96000262, Page 5, Lines 13-19.

13 MR. MAESTAS: Your Honor, if I may speak,
14 I would like to, for the record, to reflect that I
15 received the answer to the complaint at 1:15 and, well,
16 the first one was at 1:00, so then County's response to
17 Maestas' Motion to Amend Statement of contest of

[10] Appendix A3

18 Election, and that was at 1:15, five minutes later, so
19 I've had very little time to review it.

Please note the entry states in part "Both sides indicate they are ready to proceed." But the court transcript clearly states that Judge Michael C. Nelson during his court made numerous references to the "state" during proceedings confusing the plaintiff and then correcting himself, "The county" (court transcript page 7, line 14). The court transcript does not read that the submitted motion was ever argued by the plaintiff, Leo Maestas. During court, the plaintiff informed the court that he had witnesses to testify. During the court plaintiff asked the court, "How will these people be punished?" The last comment made by the judge (*Court transcript page 19, line 14*):

> "That's not before me today. This matter is hereby dismissed. We're adjourned.".

On October 29, 1996, appellant filed No. 1CA-CV-0565, seeking justice in the appellate court for the denial of justice from lower court for civil rights, voting, discrimination and offenses permitted and committed against the "elective franchise." This Arizona appellate court uses over 12 different judges to rule against appellant which is maniacal.

On 2/18/97 appellant filed a motion to default certain appellees for failure to answer appellant briefs as per Rule 15.(a), (c) ARS, 16 Rule Civ. Proc. This court arbitrarily and capriciously denied appellant just due relief as was granted to John Mullen (Mullen v. Gross 326, P.2d 33). Instead, this court kicked appellant out who in "good faith" tried to comply with rules of multiple meanings used in double standards by these courts that use ambiguous rules denying appellant relief by the use of mathematics. These courts violated their own rule, Rule

25, by not applying it in their dismissal orders denying appellant's relief and equitable justice.

Rule 25. SANCTIONS FOR DELAY OR OTHER INFRACTIONS

> "Where the appeal is frivolous or taken solely for the purpose of delay, or where a motion is frivolous or filed solely for the purpose of delay, or where any party has been guilty of an unreasonable infraction of these rules, the appellate court may impose upon the offending attorneys or parties such reasonable penalties or damages (including contempt, withholding or imposing of costs, or imposing of attorneys' fees) as the circumstances of the case and the discouragement of like conduct in the future may require." *Arizona Rules of Civil Appellate Procedure.*

The Federal question of civil right violations were raised in this court by appellant in filed briefs on 1/8/97, 2/20/97 and on 3/17/97 (to be submitted photos, tapes and briefs evidence) also specifies the conduct of the judge and county attorney in the lower court violating appellant's rights of court fairness.

Appellant sought justice in the Supreme Court of Arizona filing petition for review on 5/22/97 No. CV97-0252-PR in which appellant again raises the constitutional questions violating appellant's fundamental due process rights per Arizona Constitution Article 2, Section 2, Article 4, U.S.C.A. Const. Amend. 1, 14, (Funtes v. Shevin 407 U.S. 67, 92 S.Ct. (1983). On 9/2/97 appellant filed Supplement to Petition for Review with issues on point to reinforce constitutional abridgment violations entitling appellant relief per (*L.A. v. Vincent*), (*Collier v. Tacoma* 854 P.2d 1046), (*Marks v. Stinson*

19 F.3d 873), for the Federal violations by public officials discriminated, violating appellant's civil rights. The filing of petition and appendix were denied arbitrarily stating in part:

"For no cause having been shown."

Rule 14., 1., (h), **Argument**: The Arizona court's ears, eyes and door were closed to hearing charges of fraud, deception, civil rights violations that tainted the "elective franchise." The courts in Arizona punished appellant, a good common man, and have rewarded evildoers for their wrongs. The question should not be what did they do wrong in Navajo County? It should be what did they do right during the 1996 election? After appellant's letter of reporting violators public agencys and people in a place of trust did everything to discredit and besmirch appellant's good name with public resources after criminally denying him "equal protection of law" with their criteria used based on name, church, race and color of people's skin. It goes without saying the county attorney should be representing appellant and electors, and prosecuting election violators. Arizona denied a good man his day in court, equal protection and due process of law by the use of mathematics constitutes discrimination by complication by Arizona jurist ignoring common law in important people matters. Appellant, the aggrieved, is asking here for maximum just bote, compensatory and punitive damages from all people and all government agencies that have denied him a birth right, enjoyment per United States Constitution. These people must be punished, surrender credentials and never permitted into the public trust work place again for evildoings per *Marks v. Stinson* 19 F3d 873 *(3rd Cir. 1994 United States Court of Appeals*) *which* stated in part:

B. Conclusions of Law

[... After setting forth its factual findings, the district court concluded that the plaintiffs had established a likelihood of success on their claims. Specifically, the court found a likelihood of success on the claims that the defendants' conduct violated: "I. the First Amendment rights of Plaintiffs by illegally discriminating in favor of Democrat Stinson over Republican Marks.... ii. the equal protection rights of Plaintiffs by illegally discriminating in favor of Democrat Stinson over Republican Marks with no rational reason or purpose [, and] the substantive due process right of Plaintiffs to a free and fair election." The district court also found that a likelihood of success had been shown with respect to the plaintiffs' Voting Rights Act claims. Finally, the district court concluded that plaintiffs, "and even the entire state," suffer irreparable injury when an "improperly seated ... representative" of the people exercises the powers of his office and when "constitutional freedoms" are lost.

In light of the massive scheme of Candidate Stinson and the Stinson Campaign, and in light of the failure of the Board to fairly conduct its duties, it would be grossly inequitable to allow Stinson to remain in office and for the Board to continue to conduct business as it did during the 1993 Election ... *Please note* **Stinson was removed** from office and Marks served the remainder of his congressional term ...]

A chief election official, Marlin F. Gillespie, who publically endorsed and supported Thompson voted for his

certificate at the election canvassing, egregiously violating Hatch Act election laws. An improperly seated representative of the people M.E. "Tommy Tee" Thompson procured his election was aided and abetted by public officials in Navajo County and used public property, resources and phones at his public work place to call his supporters Marlin Gillespie, Elections Department, County Attorney, the Supervisors and his daughter, Lori Carter, at her public work place in Navajo County Government. The phones used by this now improperly seated public official were property of the City of Winslow and its Chamber of Commerce.

Please note 1995, 1996 phone billing ledgers from U.S. West Communications, Cellular One, Frontier, paid for by the Winslow Chamber of Commerce phone numbers are (520) 289-2434, (520) 289-2435, Cellphone (520) 613-0253 and FAX (520) 289-5660.

The phone billing ledgers were acquired by petitioner from the Winslow Chamber of Commerce, to be used as prima facie evidence in this action matter. Petitioner prays that further review is sought or granted by this honorable Supreme Court of these United States of America.

Respectfully submitted this 14th day of May, 1998.

Leo L. Maestas
In propria persona

APPENDIX

Supreme Court
STATE OF ARIZONA

KATHLEEN E. KEMPLEY, CHIEF DEPUTY CLERK
CLERK OF COURT 402 ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON
PHOENIX, ARIZONA 85007-3329
TELEPHONE: (602) 542-9396

October 23, 1997

RE: LEO L. MAESTAS vs. BOARD OF SUPERVISORS OF NAVAJO
COUNTY, MICHELE BAKER et al
Supreme Court No. CV-97-0252-PR
Court of Appeals No. 1 CA-CV 96-0565
Navajo County No. CV 96-000262

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona in regard to the above-referenced cause:

ORDERED: Reconsider and to Permit Filing of Supplement and Continued Appendix to Petition for Review = DENIED.

IT IS FURTHER ORDERED: Petition for Review = DENIED.

Record returned to Court of Appeals, Division One, Phoenix, this 23rd day of October, 1997.

NOEL K. DESSAINT, Clerk

TO:
Leo Maestas, Pro Se
Melvin R. Bowers, Jr., Esq., Navajo County Attorney
Attn: Lance B. Payette, Esq.
Terry Nagle, Pro Se
M.E. "Tommy" L. Thompson, Pro Se
Bill Wilbanks, Pro Se
Glen D. Clark, Clerk, Court of Appeals, Division One, Phoenix
Lexis-Nexis
West Publishing Company

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IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

LEO MAESTAS, Plaintiff-Appellant, v. THE BOARD OF SUPERVISORS OF NAVAJO COUNTY; MICHELE BAKER, Director of Navajo County Elections Department; TERRY NAGLE; M.E. "TOMMY TEE" THOMPSON; and BILL WILBANKS, Defendants-Appellees.	)	1 CA-CV 96-0565 DEPARTMENT M NAVAJO County Superior Court No. CV 96-000262 O R D E R

Judges Noel Fidel, Edward C. Voss, and Sarah D. Grant have considered appellant's "Motion for Reconsideration of Order Dismissing Appeal" and Addendum.

IT IS ORDERED denying appellant's motion for reconsideration.

DATED this 7th day of May, 1997.

NOEL FIDEL
PRESIDING JUDGE

A true copy of the foregoing order was mailed May 7, 1997 to:

cc: Mr. Leo Maestas
Mr. Bradley W. Carlyon, Deputy County Attorney
Mr. Terry Nagle
Mr. M.E. "Tommy Tee" Thompson
Mr. Bill Wilbanks
Honorable Michael C. Nelson, Apache County Superior Ct.

Glen D. Clark, Clerk
By
Leanna Williams
Deputy Clerk

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

LEO MAESTAS, Plaintiff-Appellant, v. THE BOARD OF SUPERVISORS OF NAVAJO COUNTY; MICHELE BAKER, Director of Navajo County Elections Department; TERRY NAGLE; M.E. "TOMMY TEE" THOMPSON; and BILL WILBANKS, Defendants-Appellees.	1 CA-CV 96-0565 DEPARTMENT M NAVAJO County Superior Court No. CV 96-000262 O R D E R

Judges Noel Fidel, Edward C. Voss, and Sarah D. Grant have considered appellees' "Motion to Strike Appellant's Second Opening Brief," appellant's "Motion to Permit Filing of Opening Brief," "Motion to Permit Filing of Amended

Statement of Facts," "Motion to Permit Appellant to File Satisfactory Evidence," appellees' response, appellant's "Motion to Strike Bugh v. Bugh and for Judgment," "Motion to Permit Filing of Reply Brief," and "Motion for More Oral Argument Time."

In addition, the court has reviewed the substitute opening brief filed on March 17, 1997, and the amended statement of facts filed on March 24, 1997.

The court previously granted appellant an opportunity to file a second opening brief in compliance with Rule 13, Arizona Rules of Civil Appellate Procedure. The substitute opening brief filed by appellant does not comply with Rule 13. It fails to cite to the record in support of numerous factual statements contained throughout the brief and fails to set forth a standard of review for the issues on appeal. The amended

statement of facts submitted by appellant contains limited citations to the trial court record and attempts to add documents admittedly not before the trial court. This court will not consider documents that were not before the trial court. Thompson v. Arizona Dep't of Economic Security, 127 Ariz. 293, 295, 619 P.2d 1070, 1072 (App. 1980).

IT IS ORDERED granting appellees' motion to strike the substitute opening brief filed on March 17, 1997, and also striking the amended statement of facts submitted by appellant on March 24, 1997. Because appellant has been given adequate opportunity to file a proper brief, no further briefing will be permitted. The clerk of this court is directed to retain the original substitute brief filed on March 17, 1997, and amended statement of facts filed on March 24, 1997, in an envelope in this court's file with a copy of this order attached. Copies of the

brief and amended statement of facts shall be returned to appellant.

IT IS FURTHER ORDERED denying appellant's motion to permit appellant to file satisfactory letter evidence.

IT IS FURTHER ORDERED denying appellant's motion to strike Bugh v. Bugh for judgment.

IT IS FURTHER ORDERED denying appellant's motion to permit filing reply brief.

A true copy of the foregoing order was mailed March 19, 1997 to:

cc: Mr. Leo Maestas
Mr. Bradley W. Carlyon, Deputy Cuonty Attorney
Mr. Terry Nagle
Mr. M.E. "Tommy Tee" Thompson
Mr. Bill Wilbanks

Glen D. Clark, Clerk
By
Leanna Williams
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF NAVAJO

JUDGE: Nelson, Michael C. DIVISION: Visiting
CLERK: Juanita Mann DATE: October 2, 1996

DEPUTY CLERK: Juanita Mann
COURT REPORTER: Nona Allen

MINUTE ENTRY

CASE NO. CV96000262)
)
LEO MAESTAS,)
Plaintiff,)
vs.)
)
THE BOARD OF SUPERVISORS OF)
NAVAJO COUNTY; MICHELE BAKER,)
Director of Navajo County)
Elections Department; TERRY NAGLE;)
M.E. "TOMMY TEE" THOMPSON; and)
BILL WILBANKS,)
Contestees.)

This is the time set for hearing this matter. Regarding the county attorney's Rule 12(c) Motion for Judgment on the Pleadings, that is asked for in their Answer, both sides indicated

they are ready to proceed the motion was argued by both sides and the motion is granted. The amended Petition is hereby dismissed without prejudice. Candidate Tommy "Tee" Thompson is proclaimed the candidate for office of Board of Supervisors. Each party shall bear their own court costs.

cc - Brad Carlyon
Leo Maestas

CLERK OF THE SUPREME COURT
OF THE UNITED STATES

March 26, 1998

Leo Maestas
P.O. Box 21
Holbrook, AZ 86025

RE: Leo Maestas v. Bd. of Supervisors of Navajo Cty.

Dear Mr. Maestas:

Returned are 39 of the 40 copies of a petition for a writ of certiorari in the above-entitled case postmarked on March 20, 1998, and received on March 23, 1998, which fails to comply with the Rules of this Court.

The materials contained in the appendix have been photoreduced which is prohibited. The size of the print must comply in all respects with Rule 33.1(b).

The appendix to the petition must contain the order/opinion issued by the Arizona Court of Appeals. Rule 14.

Please note that there are no provisions to suspend the rules or permit filing of a document on 8 1/2 by 11 inch paper, when paying the docket fee. Returned are your motions and other papers.

Kindly redo the petition and appendix so that it complies in all respects with the Rules of the Court and return it to this office promptly so that it may be docketed. Unless the petition is received by this office in corrected form with 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

This office shall retain one copy of the petition and your check in the amount of $300.00 in expectation of receipt of a properly prepared petition.

Enclosed is a copy of the Rules of the Court and memorandum concerning the preparation of a petition.

Sincerely,
William K. Suter, Clerk
By:
Ruth Jones
(202) 479-3022

Enclosures

Received by
County Attorney
Office Sept. 11, 1996

Received by Sheriff
Dept. Sept. 13, 1996

September 11, 1996

Mr. Mel Bowers Jr., County Attorney
Navajo County
P.O. Box 668
Holbrook, AZ 86025

Dear Mr. Bowers:

Please let this letter serve as a formal complaint informing you and your office that the electors and the people of Navajo County in District 3 have been violated by candidates ignoring election laws by illegally posting their signs or campaign posters on public property city, county, state, including utilities poles belonging to A.P.S.

It has also gone to the extent where candidate Terry Nagle permitted without my consent the posting of his campaign posters on my private property and on church street directory signs in our community, and this in itself is a disgrace to the election process and laws. For over two months the good people of District 3 in Navajo County have observed M.E. "Tommy Tee" Thompson campaign signs illegally posted on state property. Highway Junction 77 & 180 South of the Little

Colorado Bridge in Holbrook (campaign signs posted southeast corner on state land). Mr. Bill Wilbanks, also a candidate for Navajo County Board of Supervisors District 3, has also failed to comply with the election laws by illegally posting campaign material on utility poles and perhaps permitting his supporters to remove campaign posters of other candidates and replacing them with his own. The countless illegal violations committed by the the candidates above-mentioned are to many to go into specifics at this time. In my honest opinion not only the electors and the fine people of this district in Navajo County were violated, but a particular candidate was also adversely affected, Claudia Maestas, candidate for Supervisor District 3. What should be more alarming is these candidates are Democrats and surely my Democratic Party does not endorse or condone these illegal tactical behaviors.

I also want to add that I am very aware that certain small-minded individuals will imply by saying that I have been left with a sour grape taste in my mouth because my wife (Claudia Maestas) came in third place, which is not the case. I had priorly informed certain respected elected officials as to what I was going to do whether she had won or not, which is what I am doing now.

And again, let this letter serve as a formal complaint to you and any police agency that must become involved in obtaining more illegally posted campaign signs as evidence that are still in violation of the law. If I recall not long ago a particular candidate was disqualified for campaign irregularities in Navajo County. I trust that you and your office will give this complaint letter your immediate attention based on the time restraints we have between now and the upcoming general election. I am also

submitting many photographs to your office and A.P.S. for reviewing as evidence, along with state property status and location where one of these violations is presently taking place (property status inquiry material obtained from Navajo County Assessors).

If I can assist further with more information as to more violations, do not hesitate to call me any time (520) 524-2329 or (520) 524-3711. And as always, I am eager to assist any police agency in furthering this unfortunate matter to become a closed chapter in our county.

Respectfully yours,

Leo Maestas

cc: U.S. Justice Department
Southwest Voter Registration
MALDF
LULAC
Arizona Attorney General
Secretary of State (AZ)
Holbrook City Mayor and Council
Arizona Public Service
Navajo County Sheriff

VIA FAX: (202) 514-0293 Sent 9/15/96 3:27 p.m.

TO: U.S. Justice Department
Civil Rights Division
Washington, D.C.
c/o Deval Patrick, Assistant Attorney General

FROM: Leo Maestas
P.O. Box 21
357 Navajo Blvd.
Holbrook, AZ 86025
(520) 524-2329 or (520) 524-3711

September 14, 1996

U.S. Justice Department
Civil Rights Division
Washington, D.C.
Assistant Attorney General
VIA FAX: (202) 514-0293

Dear Mr. Patrick:

I am forwarding to you material and letters as to what transpired in Navajo County during our primary election. On election night, 9/10/96, Navajo County Courthouse, Holbrook, AZ, I verbally reported to the county manager, Ed Koury, and members of the Elections Department that laws had been broken during the primary campaign in the democratic race for District 3 County Board of Supervisors. Shortly thereafter, Mr. Bradley Carlyon was referred to me from the County Attorney's Office by Mr. Ed Koury. I informed him of numerous laws that had been broken and legal corrective measures I would be taking to correct this situation. I mentioned to him that his office must become involved because many laws have been broken in the primary campaign. I also mentioned I would be filing a complaint with the County Attorney because I felt he had to get involved along with the various policing departments on behalf of the people that have been violated in the election process. Mr. Bradley informed me then that he would make Mr. Mel Bowers, the County Attorney, aware. Our meeting ended sometime after midnight following the election.

Again, I met with Mr. Bradley on the following morning, Wednesday, 9/11/96, 11 a.m. Mr. Bradley and I met in Judge Lamb's office at the courthouse with him present. It was then he informed me that County Attorney Mel Bowers was home recuperating from knee surgery. This came as a surprise to me because I had seen the county attorney, Mel Bowers, during the night of the election and his picture is front page news during that time (Holbrook Tribune-News). It was then during our discussion that I made the joke that I could sympathize with Mr. Bowers' knee problem. Although I wasn't there to use his knee, I was there to use his brain and hopefully his knee hadn't affected his speech. Our meeting lasted a half an hour.

Since then I have been to Mr. Bowers' office numerous times and I have spoke with his staff and the last time I was there was late Friday morning. I was told Mr. Bowers was still out and that he had not received my complaint I sent to his office via fax 9/11/96 about 11 p.m.

I have also reported this same complaint to various different agencies throughout the country and state and I have received their immediate response and apparently some of them will be sending the proper police agencies to investigate this serious reported complaint being ignored by local authorities and police agencies.

A final point I want to make about a candidate running for public office, if he or she cannot follow simple campaign laws, how does anyone expect them to be intelligent and honest enough to make complicated decisions after they have been elected and entrusted by the people to work in their best

interest, especially where the laws are far more complex, being in public office, or maybe they will break or bend the laws there too.

The bottom line is if soliciting and influencing my vote illegally by illegal advertisements, you have violated me and the law and perhaps the voting civil rights of many more. After all, I voted for you (candidate), not knowing you, the candidate, was breaking the law, influencing my vote. Furthermore, most lay people would not vote for you knowing you had influenced them and solicited their vote illegally. An honest American citizen would probably call the police knowing it is un-American to break laws when seeking public office and you don't have to be a Supreme Court Justice to interpret or understand this.

Mr. Patrick, I want to thank you and especially your staff, and please direct the proper authorities to come and investigate this important civil matter as soon as possible, as time is of the essence between now and the general election.

Respectfully,

Leo Maestas

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON, PHOENIX 85007-2926
GRANT WOODS
ATTORNEY GENERAL
MAIN PHONE: 542-5025
TELECOPIER: 542-4085
Direct Line 542-8349
Fax No. - 542-4385

December 5, 1996

Mr. Leo Maestas
P.O. Box 21
357 Navajo Blvd.
Holbrook, Arizona 86025

Dr. Mr. Maestas:

We have received your inquiry alleging possible violations of election laws as they relate to the September 10, 1996, primary election for the Democratic office of the Navajo County Board of Supervisors, District 3.

As we have discussed in numerous telephone conversations as well as our brief meeting today, while this office has authority to enforce the provisions of Title 16 relating to elections, that authority is specifically granted only with respect to elections for state offices and statewide ballot measures. See A.R.S. Sec. 16-1021. Election enforcement regarding alleged violations committed by individuals and organizations relating to a county office is specifically granted to the appropriate county attorney's office. Id.

You stated that you filed an election contest with the Navajo County Superior Court that was concluded around October 3, 1996, in which the court ruled in favor of the defendants and upheld the election. You further indicated that you have contacted other organizations to look into your allegations. However, for the above-mentioned reasons, while we appreciate your concerns, we must decline to take any action regarding your inquiry. Because you have previously filed a complaint with the Navajo County Attorney, we will not be forwarding your inquiry to that office. Thank you for bringing this matter to our attention.

Sincerely,

Eryn M. McCarthy
Assistant Attorney General

JANE DEE HULL
SECRETARY OF STATE
STATE OF ARIZONA

November 8, 1996

Leo Maestas
P.O. Box 21
Holbrook, Arizona 86025

Dear Mr. Maestas:

In your letter of November 7, 1996, you ask whether I or my supporters "condone the practice of illegal posting of campaign material on pbulic rights-of-ways, public property, Arizona Public Service utility poles and/or federal, state, county and city property." Neither I nor anyone associated with me condones illegal practices; however, I recognize that people differ on whether acts are legal. We rely on the courts to resolve those differences.

You should not interpret this letter as supporting or opposing your position in the lawsuit that you filed in Navajo County. It would not be appropriate for me to offer an opinion on a matter that is in litigation.

Sincerely,

Jane Dee Hull
Secretary of State

cc: Eryn McCarthy

ARIZONA CORPORATION COMMISSION

RENZ D. JENNINGS
CHAIRMAN
MARCIA WEEKS
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER

JAMES MATTHEWS
EXECUTIVE SECRETARY

OFFICE: (602) 542-3935
FAX: (602) 542-5560
INTERNET ADDRESS: rjennings@cc.state.az.us

November 8, 1996

Mr. Leo Maestas
357 Navajo Boulevard
P.O. Box 21
Holbrook, AZ 86025

Dear Mr. Maestas:

Thank you for your recent letter.

To answer your two questions directly: 1) I do not condone posting of campaign signs on APS utility poles; 2) I have never engaged in this kind of campaign activity, nor have my supporters as far as I am aware.

I told my supporters to avoid utility poles and highway right-of-ways. Normally, these signs are quickly removed by highway or utility workers.

Thank you again for your letter.

Sincerely,

RENZ D. JENNINGS
Chairman

RDJ:ahh

Holbrook
Tribune-News
Holbrook, Arizona, Wednesday, September 18, 1996

Supervisors Accept Canvass Of Election, Complaint Is Lodged

Article By Paula Rhoden

There are more than 39,900 registered voters in Navajo County, and even though Democrats outnumber Republicans, a greater percentage of Republicans went to the polls for the Sept. 10 primary election. Thirty-three percent of registered Republicans voted, compared to 29 percent of registered Democrats.

On Monday, the Navajo County Board of Supervisors accepted the canvass of votes from Elections Director Michele Baker. The results for state and federal races were accepted and will be forwarded to the Secretary of State's Office. The canvass for county offices was accepted, and certificates of nomination wll be issued to successful candidates.

During the canvass of the votes for Supervisor from District III, Holbrook resident Leo Maestas told the board that he had filed a complaint with the County Attorney's Office and was attending the board meeting to make a formal protest so the board would not validate the election results for the Democratic candidate for the District III position. Maestas said that he has also contacted other agencies regarding what he says were illegal actions by some candidates for the board position.

Maestas was hesitate to voice his complaint during the open meeting and referred those who were interested in reading the complaint to the County Attorney's office.

County Attorney Mel Bowers said that in fairness to those who were not aware of Maestas' complaint, it should be noted that it regarded alleged illegal posting of campaign signs or posters.

In his Sept. 11 letter to Bowers, Maestas refers to illegal posting on public property, either city, county or state, including utility poles belonging to Arizona Public Service.

Maestas further stated in his letter that even though some people would think that his protest was a case of sour grapes because his wife, Claudia Maestas, came In third in the election, he had previously informed elected officials what he was going to do whether she won or not. Maestas described his wife as a "gracious lady who graciously accepts defeat, but I feel the rights of voters were infringed upon by illegal practices."

Bowers said that Maestas may be protesting the canvass of the election and challenging the outcome, but the way he was doing it was not the way to challenge an election. A challenge of election sults should be filed after the canvass is accepted, and challengers have five days to file a complaint.

Bowers also said that Title 16, the Election Code, lists five grounds for challenging an election. These include misconduct by an election board, an ineligible candidate, the offering of a bribe or reward, illegal votes and an erroneous count of the votes.

Bowers said the only reference to the posting of political signs appears in Sec. 16-1019. The statute states that it is a Class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office for the period commencing 45 days prior to a primary election and ending seven days after the general election.

The provision does not apply to the removal, alteration, defacing or covering of a political sign by the candidate or the authorized agent of the candidate in support of whose election the sign was placed, or by the owner or authorized agent of the owner of private property on which such signs are placed with or without permission of the owner, or placed in violation of state law, or county, city or town ordinance or regulation.

Bowers said that his office had not received any complaints from citizens about signs on private property.

The board also accepted the canvass and issued certificates of election to the successful Democratic and Republican precinct committeemen.